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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Plaintiff,

vs.

UNFORGETTABLE COATINGS, INC.;
UNFORGETTABLE COATINGS OF IDAHO,
LLC, dba UNFORGETTABLE COATINGS;
UNFORGETTABLE COATINGS OF
ARIZONA, LLC, dba UNFORGETTABLE
COATINGS; UNFORGETTABLE COATINGS
OF UTAH, INC., dba UNFORGETTABLE
COATINGS; BLUE APE PAINTING, LLC;
SHAUN MCMURRAY; SHANE SANDALL;
CORY SUMMERHAYS; and GALIA
CARREJO,

Defendants.

Case No.: 2:20-cv-00510-KJD-DJA

**DEFENDANTS' MOTION FOR AN
EXTENSION OF TIME TO COMPLY
WITH THIS COURT'S ORDER TO
PRODUCE DOCUMENTS (ECF NO.
159)**

[First Request]

1 Defendants Unforgettable Coatings, Inc., Unforgettable Coatings of Idaho, LLC, dba
 2 Unforgettable Coatings, Unforgettable Coatings of Arizona, LLC, dba Unforgettable Coatings,
 3 Unforgettable Coatings of Utah, Inc., dba Unforgettable Coatings, Shaun McMurray, Shane
 4 Sandall, Cory Summerhays, and Galia Carrejo (“Defendants”), by and through their counsel of
 5 record, the law firm of Jackson Lewis, P.C., submit this request for an extension of time to produce
 6 documents pursuant to this Court’s order. ECF No. 159. This request is based on the following
 7 Memorandum of Points and Authorities, all pleadings and documents on file with the Court, and
 8 any oral argument that the Court deems proper.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 Defendants respectfully request this Court extend the time to comply with ECF No. 159,
 11 from May 25, 2022, to May 31, 2022. A party moving to extend a court ordered deadline must
 12 demonstrate good cause supports the request. Nevada Federal Local Court Rule 26-3. The good
 13 cause inquiry is focused on the movant’s reasons for seeking an extension and primarily considers
 14 the movant’s diligence. *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th
 15 Cir. 2013). Courts may also consider other pertinent circumstances, including whether the movant
 16 was diligent in seeking modification of the deadline once it became apparent that the movant
 17 required relief from the deadline at issue. *Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D.
 18 Cal. 2012).

19 Here, good cause supports this request because Defendants have worked diligently to
 20 complete the production of the requested text messages. In compliance with this Court’s order,
 21 Defendants will be producing today (May 25, 2022) voluminous financial documents and text
 22 messages. However, Defendants require additional time to complete a review of a subset of the
 23 remaining text messages to ensure any privileged information is properly redacted and included on
 24 the privilege log. Since this Court’s order, Defendants have worked to review approximately six
 25 years’ worth of text messages. Defendants’ initial review of these messages reveals that at least
 26 some of the messages contain discussions of legal advice, work product, and communications made
 27 in anticipation of litigation. As many of these messages predate current defense counsel’s
 28 involvement, it has taken additional time to complete a privilege review. Defendants continue to

1 work diligently to complete this review and will work to ensure the messages are produced on or
2 before May 31, 2022. Defendants have communicated with Plaintiff's counsel regarding the instant
3 request and the Parties appear to be in agreement as to Defendants' proposal herein for completing
4 the production. Accordingly, Defendants respectfully request the Court grant this short extension
5 of time.

6 DATED this 25th day of May, 2022.

JACKSON LEWIS P.C.

/s/ Joshua A. Sliker

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Attorneys for Defendants

15 **IT IS SO ORDERED.**

16 DATED: May 26, 2022

17
18 

19 DANIEL J. ALBREGTS
20 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 11th day of March, 2022, I caused to be served via the Court's CM/ECF Filing, a true and correct copy of the above foregoing **DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO COMPLY WITH THIS COURT'S ORDER TO PRODUCE DOCUMENTS (ECF NO. 159)** properly addressed to the following:

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/s/ Joshua A. Sliker
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4876-0607-6962, v. 1